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SUBJECT: UN PROGRESSES ON SPECIAL TRIBUNAL FOR LEBANON

REF: STATE 133859

Classified By: Ambassador Alejandro D. Wolff, for reasons 1.4(b) and (d).

¶1. (C) BEGIN SUMMARY AND ACTION REQUEST: UN Office of Legal Affairs (OLA) officers told USUN October 3 and October 4 that the UN wants to move quickly this month to appoint the next Commissioner of the UN International Investigation Commission (UNIIIC), who would also serve as the Prosecutor for the Special Tribunal for Lebanon. They also reported that the Secretary-General has signed a letter asking Member States to

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contribute to the Trust Fund for the Special Tribunal. To expedite the appointment of judges for the Special Tribunal, the UN has asked the United States to supply CVs for the three judicial candidates USUN supplied to the UN on September 24 (reftel). USUN would be grateful if Department could supply those CVs. Finally, the UN plans to convene a meeting next week for donors, both current and future, to the Special Tribunal. END SUMMARY AND ACTION REQUEST.

¶2. (SBU) Assistant SYG for Legal Affairs Larry Johnson and Special Assistant for Legal Affairs Mark Quarterman told USUN legaloff that OLA wants to move quickly on the process for appointing Serge Brammertz's successor as UNIIIC Commissioner and for appointing the Prosecutor for the Special Tribunal for Lebanon. OLA also plans to have Brammertz's successor serve as the Prosecutor. Legal Counsel Nicolas Michel will brief the Security Council's legal experts on the UN's plans on Tuesday, October 9.

¶3. (C) OLA plans for the selection panel for the judges and the Prosecutor to meet in October. OLA expects the panel to interview two candidates for the Prosecutor and to organize their process for selecting judges, including producing short lists. Immediately afterward, the panel would recommend someone to the SYG to serve as Prosecutor. Next the SYG would notify the Security Council of his intention to appoint that person as the UNIIIC Commissioner to replace Brammertz, as well as his intention for that person to become the Prosecutor. Once the Security Council has replied to the SYG, taking note of the SYG's intention, the SYG would appoint the UNIIIC Commissioner. In a separate action, which the SYG would take at the same time, he would appoint the same person as the Prosecutor. OLA hopes to make the announcement in late October/early November to permit a two-month overlap with Brammertz in Beirut. Quarterman advised USUN on October 4 that the UN plans to make clear that the Prosecutor will only take up his duties when the Tribunal is ready to become operational; until then, he or she would serve essentially as Prosecutor-Elect.

¶4. (C) With respect to judicial appointments, Quarterman advised USUN on October 4 that the UN needs CVs for the three U.S. judicial nominees. OLA tried to obtain the CVs for the

three U.S. judicial nominees, but they are not available on the Internet, and to preserve confidentiality OLA does not want to request them directly. OLA would be grateful if the United States could supply those CVs.

¶5. (U) Johnson also said the SYG has signed a letter asking states to contribute to the Trust Fund for the Special Tribunal for Lebanon. The letter will go out after it has been translated, and Johnson hoped that would be soon.

¶6. (SBU) Finally, OLA advised that it plans to convene a meeting late next week of Lebanon, the United States, and other potential donor countries to discuss funding issues and the process for establishing a Management Committee for the Special Tribunal.

¶7. (C) On October 4, Quarterman also expressed concern about reports that, at a joint press conference with Saad Hariri, President Bush had voiced disappointment with the pace of efforts to establish the Special Tribunal. Quarterman noted that the Lebanese have repeatedly pressed the UN to appoint a Prosecutor for the Tribunal soon because the Lebanese think the Prosecutor could take action with respect to the four Lebanese generals the Lebanese have detained since the spring of 2005, but pointed out that until the Tribunal is operational, with trial judges, appellate judges, and its entire apparatus in place, the Prosecutor alone would not have the authority to address the situation with the Lebanese judges.

KHALILZAD